REMARKS

Introduction

Applicant is filing herewith a second request for continuing examination (RCE). In light of the cost and time associated with file two such RCEs, Applicant respectfully requests the Examiner's cooperation in locating patentable subject matter in the specification in relation to which the present claims can be amended to recite, in order to secure expeditious allowance of the present patent application. That said, Applicant has made a good faith effort at locating such subject matter, but believes that the prosecution process of this application has been unnecessarily drawn out, and therefore requests the Examiner's assistance in this respect. [1]

Patentability of pending claims

Claims 1-5, 7, 11, and 16-20 remain pending in this patent application. Claim 1 is an independent claim, from which the remaining pending claims ultimately depend. Applicant

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[1] Applicant notes in this respect that it is the Examiner's obligation to engage Applicant to resolve patentability issues as expeditiously as possible, and that the Examiner shares with Applicant the responsibility of the success of the patentability process. As noted in a recent email from USPTO Director Kappos to the examining corps:

> One key is to expeditiously identify and resolve issues of patentability—that is getting efficiently to the issues that matter to patentability in each case, and working with applicants to find the patentable subject matter and get it clearly expressed in claims that can be allowed. The examiner and the applicant share the responsibility for the success of this process.
> . . . . Let's be clear: patent quality does not equal rejection. In some cases this requires us to reject all the claims when no patentable subject matter has been presented. It is our duty to be candid with the applicant and protect the interests of the public. In other cases this means granting broad claims when they present allowable subject matter. In all cases it means engaging with the applicant to get to the real issues efficiently—what we all know as compact prosecution.

(Internet web site http://www.patentlyo.com/patent/2009/08/director-kappos-patent-quality-equals-granting-those-claims-the-applicant-is-entitled-to-under-our-laws.html) (Emphasis added)

respectfully submits that the amendments made to claim 1 render it allowable over the cited prior art in combination. As such, the remaining pending claims are patentable at least because they each depend from a patentable base independent claim.

Applicant has amended claim 1 as follows. First, there are a plurality of second user operable controls to receive corresponding inputs from a user, and to responsively generate a plurality of saliency signals. A composite saliency signal is generated from these saliency signals. As such, it is noted that *each* of the multiple saliency signals is generated responsive to user input. Support for this amendment is found in the patent application as filed at least in paragraph [0034].

Applicant respectfully submits that the prior art in combination does not suggest this subject matter added to claim 1. Consider Takahashi in particular. In Takahashi, a user generates a single saliency signal via a user operable control, per paragraphs [0018]-[0119]. Takahashi does disclose combining multiple saliency signals into a composite saliency signal, per paragraphs [0124]-[0126]. However, the multiple saliency signals that are combined into a composite saliency signal are not generated via corresponding user operable controls. Rather, the multiple saliency signals are generated by determining the length of time each subject (i.e., son, daughter, etc.) appears in a scene, and/or the sizes of the subjects of interest in the scene.

As such, Takahashi in combination with one or more other prior art references does not rise to the level of suggesting claim 1 as amended.

Respectfully Submitted,

March 2, 2011
Date

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